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OFFICE OF PETITIONS

In re Application of
John H. Wurster et al.
Application No. 10/632,803
Filed: August 4, 2003
Attorney Docket No: **01-VE22.40C1**

ON PETITION

This is a decision on the petition filed April 6, 2007 to withdraw the holding of abandonment which is being treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on October 7, 2005, for failure to file a timely response to the Final Office Action mailed June 6, 2005. By way of an advisory action mailed October 26, 2005, the applicant was advised that a response filed October 6, 2005 with a one month extension of time did not place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed on June 12, 2006.

Petitioner asserts that a response in the form of an RCE and two month extension of time was timely filed on November 7, 2005 by facsimile transmission and submits as proof, a copy of the response with a certificate of mail pursuant to 37 CFR 1.8 dated November 7, 2005.

A review of the file reveals that the response is of record with a receipt date of November 7, 2005, however, the response was filed with an incorrect serial number.

While, the requirement for filing papers with the USPTO is that every paper bear an appropriate application no. or identifier, other identifiable information was found to be on the papers filed as the response. The response has now been matched with the proper file. In view thereof, the response was timely filed and the Notice of Abandonment mailed June 12, 2006 is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2614 for treatment of the response filed November 7, 2005 and resubmitted on June 15, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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